

PUBLIC NOTICE: 04-31

DATED: September 17, 2004

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT

SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT
ON THESE PROPOSED PENALTY ASSESSMENT.

UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE
ORDERS ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE
ACT. EPA MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A
CLASS I OR CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC
NOTICE OF THIS PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C.
§1319(G)(4)(A).

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S
"CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE
ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION

OR SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF HERCULES, INC., 100 HOWARD BLVD., KENVIL, NEW JERSEY 07847, DOCKET NO. CWA-02-2004-3336 FILED ON SEPTEMBER 16, 2004 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$11,000, FOR FAILURE TO COMPLY WITH AN EPA SECTION 308 INFORMATION REQUEST CONCERNING DISCHARGE MONITORING REPORT QUALITY ASSURANCE REQUIREMENTS.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THIS COMPLAINT OR OTHER DOCUMENTS FILED IN THIS PROCEEDING, COMMENT UPON THE PROPOSED ASSESSMENT, OR OTHERWISE PARTICIPATE IN ANY OF THESE

PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

EPA HAS PROVIDED THE RESPONDENT WITH A SETTLEMENT OFFER OF \$1,300 IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL TAKE NO FINAL ACTION IN THIS PROCEEDING PRIOR TO THIRTY (30) DAYS AFTER ISSUANCE OF THIS NOTICE.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.

DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE